



## **United States Mission to the OSCE**

### **Response to Ambassador Rupnik, Head of Centre in Almaty**

As delivered by Deputy Representative Douglas Davidson  
to the Permanent Council, Vienna  
January 29, 2004

Thank you, Mr. Chairman.

I'd like to welcome Ambassador Rupnik to the Permanent Council, in his last appearance as the Head of Office in Almaty, and to thank him for his oral remarks and also for the more extensive written report he has helpfully submitted.

Mr. Chairman, the situation in Kazakhstan is mixed, leading to hope in some areas and continued concern in others. The Government of Kazakhstan has expressed its desire to seek the OSCE chairmanship in 2009 and has increased its contacts and cooperation with the Chairmanship in Office and with the Office in Almaty. At the same time however, important issues remain to be addressed. These include a flawed election code, selective prosecution of political opposition, and intimidation of the independent media. The United States has expressed its views and concerns in the past on each of these issues.

We support fully the OSCE/ODIHR recommendations for amendment of the new electoral code, and the ongoing efforts of the Center in Almaty in this regard. We will be looking carefully at the first draft of the electoral law reportedly approved by the Parliament in Kazakhstan. The Government of Kazakhstan has a responsibility to its people to respect fully its Helsinki and Copenhagen commitments, to provide both the legal basis for free, fair and transparent elections, and the practical guarantees that elections will be conducted in accordance with the law.

As Ambassador Rupnik has noted, the Government of Kazakhstan took an important and welcome step forward with the transfer of its penal system to the Ministry of Justice. The transfer of Mr. Duvanov to an "open penal regime" is also a step in the right direction, and we look forward to similar steps in the case of M. Zhakiyanov. Unfortunately, the recent criminal proceedings against Messrs. Bapi, Kosanov, Benditsky and others have given all the appearances of manipulation of the judicial system for political purposes. We urge the Government of Kazakhstan to reexamine these cases and to ensure that these and all other criminal suspects are provided due process and a fair and impartial trial, now and in the future.

Finally, Mr. Chairman, we regret the recent passage of a new Media Law. According to an OSCE assessment, the law in its current form would violate international standards for protection of free speech, and would harm the development of independent media in Kazakhstan. I must once again urge the appropriate authorities to take into account the recommendations of the

Representative of Freedom of the Media, and to revise the law on Media so that it conforms with international standards and OSCE principles and commitments. Democracy and civil society cannot flourish without independent media that can provide unbiased information to the public without fear of intimidation or retribution by the government.

Mr. Chairman, the United States welcomes the aspirations of Kazakhstan to become the first nation of the former Soviet Union to assume the Chairmanship of the OSCE in 2009. The Chairmanship must be held by a nation that has demonstrated leadership in implementing all the commitments undertaken by participating States in the OSCE's major documents and decisions, including guaranteeing citizens the basic right to free and fair elections, independent political activity, and unfettered media expression. We very much hope that Kazakhstan will be able to demonstrate such leadership well before December 2006, when the Ministerial Council will decide upon the OSCE Chairmanship for 2009.

And last but not least, let me wish every continued success to Ambassador Rupnik as we say good-bye to him.

Thank you very much.